

On June 5, 1942, no claimant having appeared, judgment was entered finding the product adulterated and ordering that it be condemned and destroyed.

**3847. Adulteration of poppy seed. U. S. v. 6 Bags of Poppy Seed. Default decree of condemnation and destruction. (F. D. C. No. 7472. Sample No. 80821-E.)**

This product was white poppy seed which had been artificially colored with coal-tar colors to simulate blue poppy seeds.

On May 7, 1942, the United States attorney for the Northern District of Ohio filed a libel against 6 bags, each containing approximately 149 pounds, of poppy seed at Cleveland, Ohio, alleging that the article had been shipped in interstate commerce on or about April 6, 1942, by David G. Evans Coffee Co. from St. Louis, Mo.; and charging that it was adulterated in that inferiority had been concealed by the addition of artificial color, and in that artificial color had been added thereto or mixed or packed therewith, so as to make it appear better or of greater value than it was. It was labeled in part: "Artificially Colored Poppy Seed Royal Popcorn Co. Cleveland, Ohio."

On July 11, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

### MISCELLANEOUS

**3848. Adulteration and alleged misbranding of cocktail mixer. U. S. v. 29 Cases of Cocktail Mixer. Consent decree of condemnation and destruction. (F. D. C. No. 7528. Sample No. 44815-E.)**

This product was an artificially colored mixture of lemon juice, citric acid, sugar, and water, imitating lemon juice in appearance and flavor. A cockroach, cat and rodent hairs, and nondescript dirt were found in samples examined.

On May 28, 1942, the United States attorney for the District of Wyoming filed a libel against 29 cases, each containing 12 bottles of cocktail mixer, at Cheyenne, Wyo., alleging that the article had been shipped in interstate commerce within the period from on or about January 15 to on or about February 6, 1942, by Colorado Tru-Fruit Juice Co. from Denver, Colo.; and charging that it was adulterated and misbranded. It was labeled in part: "Bar Maid Brand A Perfect Cocktail Mixer \* \* \* Contains Citrus Flavor, Fruit Acid."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

It was alleged to be misbranded in that it was an imitation of another food, lemon juice, and its label failed to bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated.

On June 8, 1942, the shipper and the consignee having consented to the entry of a decree, judgment was entered finding the product adulterated and ordering that it be condemned and destroyed.

**3849. Misbranding of gelatin dessert. U. S. v. 21 Boxes, 21 Boxes, and 42 Boxes of Gelatin Dessert. Default decree of condemnation and destruction. (F. D. C. No. 7374. Sample Nos. 90229-E to 90231-E, incl.)**

Each box of this product contained 6 wax paper envelopes of gelatin, which were packed upright in the box, each end open, but folded over and clipped. The powder occupied about one-third the height of the envelopes. The powder without the envelopes occupied on an average only about 15 percent of the space in the box.

On April 21, 1942, the United States attorney for the District of Massachusetts filed a libel against 84 boxes of gelatin dessert at Brookline, Mass., alleging that the article had been shipped in interstate commerce on or about March 25, 1942, by Dietetic Food Co. Inc., from Brooklyn, N. Y.; and charging that it was misbranded in that its containers were so made, formed, or filled as to be misleading since the box and envelopes were too large for the amount of gelatin they contained. The article was labeled in part: "Dia-Mel \* \* \* Gelatin Dessert Orange Flavor or ["Imitation Strawberry" or "Assorted"]."

On June 15, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3850. Adulteration of horehound herb. U. S. v. 2 Bags of Horehound Herb. Default decree of condemnation and destruction. (F. D. C. No. 7392. Sample No. 48568-E.)**

This product, which was intended to be used in making confectionery, had been stored under insanitary conditions after its receipt in interstate commerce, and

when examined, was found to contain insect fragments and fragments of hairs resembling those of rodents.

On April 23, 1942, the United States attorney for the Northern District of Georgia filed a libel against 2 85-pound bags of horehound herb at Marietta, Ga., alleging that the article had been shipped in interstate commerce on or about November 19, 1941, from Jersey City, N. J., that it was in possession of the Carter Candy Co.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been held under insanitary conditions whereby it might have become contaminated with filth. The article was unlabeled.

On June 29, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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<sup>1</sup> Permanent injunction issued.

<sup>2</sup> Conspiracy to violate the Food, Drug, and Cosmetic Act.

<sup>3</sup> Contains an opinion of the court.